IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.620 OF 2005

Bhausaheb Hari Kadam ..Petitioner

Vs.

Vikas Ganpatrao Dhas & Anr. ..Respondents

Mr.M.D.Angal Advocate for Petitioner
Mr.Harihar Bhave i/b Mr.Bhave and
Co. for Respondent No.1
Mr.S.R.Shinde, A.P.P. for the State

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 13, 2005

P.C.

1. Heard the learned advocate for the petitioner and learned A.P.P. for State.

2. The petitioner is seeking quashing process issued under Section 499,500,501,502, and 503 passed by J.M.F.C. Kagal in S.C.No. 409 of 2004. The petitioner had earlier preferred a revision against the order of the Magistrate issuing process against him. The said revision was preferred on the ground that the case of the petitioner fell

within some of the exceptions to Section 500 of IPC and hence the complaint was not maintainable. The said revision came to be dismissed.

3. The petitioner is now seeking quashing of the process on the ground that there is mis-joinder of cases. His submission is that more than three cases have been joined together and thereafter process has been issued. It is submitted that it is in clear violation of Section 290 of Cr.P.C. As stated earlier, the petitioner had preferred a revision before the Sessions Court, in my view, it will be appropriate that the petitioner is granted liberty to prefer a revision wherein this ground of misjoinder of cases is specifically raised.

3. Liberty is granted to prefer the revision before the concerned Sessions Court. The learned Judge shall decide the said application after hearing necessary parties. All contentions of the parties are left open.

4. Petition is disposed of.

5. Authenticated copy be issued to the parties.

[V.K.TAHILRAMANI,J]